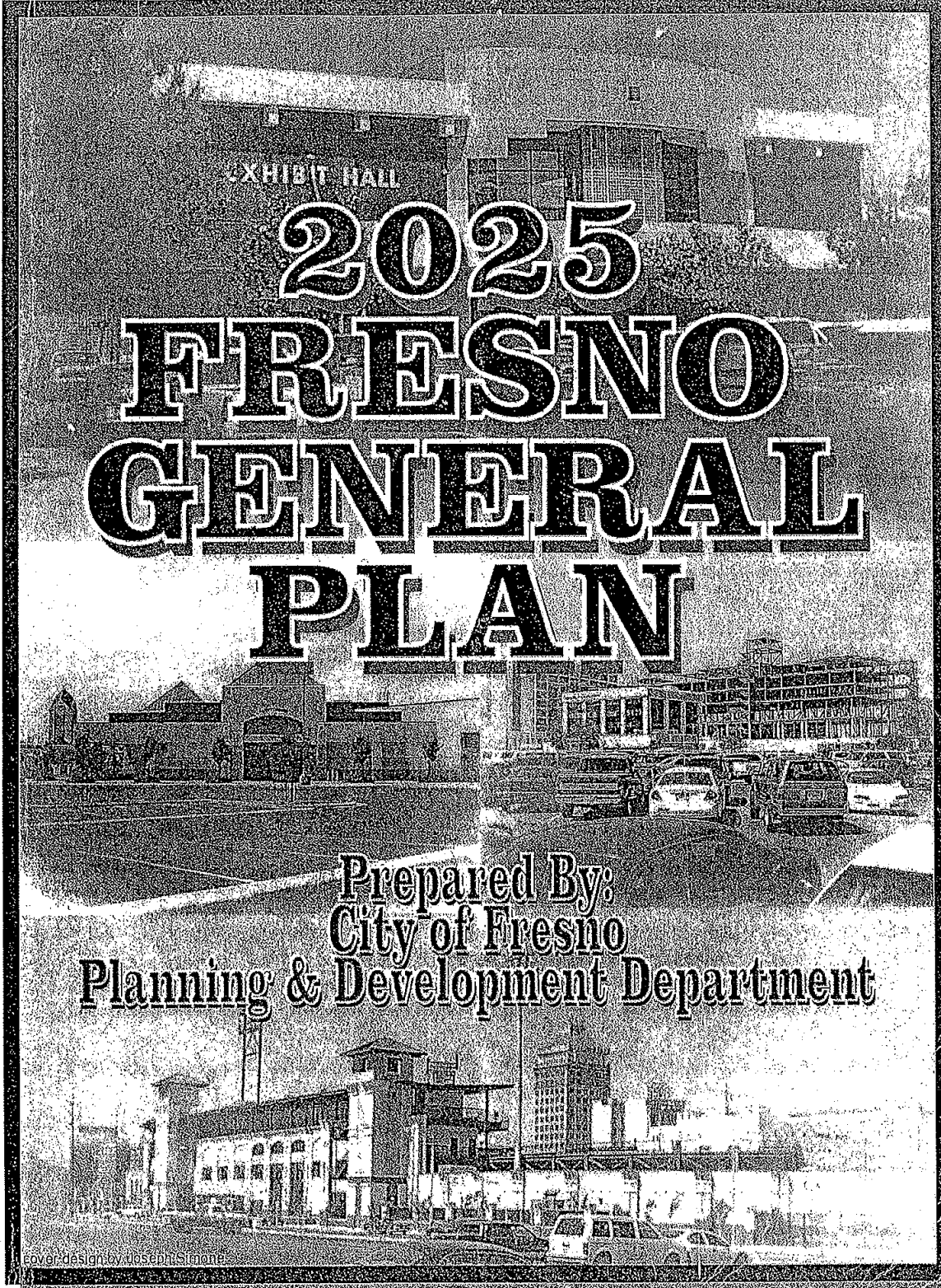


**APPENDIX B: MUNICIPAL CODE AND OTHER SUPPORTING DOCUMENTS**



# 2025 FRESNO GENERAL PLAN

Prepared By:  
City of Fresno  
Planning & Development Department

cover design by Joseph Simone

**I-4-a. Policy:** Maintain and enforce the requirements of the city's Bluff Preservation (BP) Overlay Zone District. Development within 300 feet of the toe of the San Joaquin River bluffs shall require an engineering soils investigation and evaluation report that demonstrates that the site is, or methods by which the site could be made, sufficiently stable to support the proposed development.

✓ **I-4-b. Policy:** The minimum setback from the San Joaquin River bluff edge (as the bluff edge is defined in the Fresno Municipal Code) for all future structures (including swimming pools, spas, and accessory structures) shall be thirty (30) feet. However, a building setback of less than thirty (30) feet may be permitted if it can be demonstrated to the satisfaction of the City's Building Official and Planning and Development Department Director that a proposed structure will meet the objective of the Bluff Preservation Overlay Zone District, as stated in the Fresno Municipal Code; but in no case shall the minimum building setback from the bluff edge be less than twenty (20) feet for any structure, and no rear yard encroachments shall be allowed within that twenty (20) feet.

### **Flooding Hazards**

**I-5. OBJECTIVE:** Protect the lives and property of current and future residents of the Fresno Clovis Metropolitan Area (FCMA) from the hazards of periodic floods. Recognize and institute adequate safeguards for the particular flooding hazards of areas on the San Joaquin riverbottom and bluffs.

**I-5-a. Policy:** Support the full implementation of the Fresno Metropolitan Flood Control District (FMFCD) Storm Drainage and Flood Control Master Plan, the completion of planned flood control and drainage system facilities, and the continued maintenance of stormwater and flood water retention and conveyance facilities and capacities.

✓ **I-5-b. Policy:** The San Joaquin River will not be channelized, and levees will not be used in the river corridor for flood control, excepting those alterations in river flow that are approved with surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side channel diversions to control water flow through ponds).

**I-5-c. Policy:** Ensure implementation of the Fresno Metropolitan Flood Control District control programs for the Fresno County Stream Group, including completion of the Redbank-Fancher Creek Flood Control Project, and the FMFCD rural streams program to provide protection to the urban community from waters originating outside the urban area.

**I-5-d. Policy:** Ensure implementation of the Fresno Metropolitan Flood Control District urban drainage program, including completion of the urban storm drainage systems to provide protection to the urban community from waters originating within the urban area.



BULLARD COMMUNITY PLAN  
DECEMBER 1988

5.0 SPECIAL ISSUES, POLICIES AND STANDARDS

5.1 SAN JOAQUIN RIVERBOTTOM AND BLUFFS

5.1.1 Background

The Bullard Community Plan Area contains a significant portion of the San Joaquin Riverbottom and Bluffs. Almost all of the riverbottom and bluff areas that are within the City's Sphere of Influence are within the boundaries of the Bullard Community Plan. The Bullard Community Plan, therefore, provides an appropriate opportunity to set the policy framework for the riverbottom and bluff areas.

The San Joaquin Riverbottom and Bluffs are recognized as a unique area of scenic beauty and topographic variation in the characteristically flat San Joaquin Valley. The area is a sensitive environment hosting a diversity of wildlife, fish, and plant species and contains the last remnants of a true riparian environment. The riverbottom contains significant sand and gravel resources, prime agricultural lands and is a source of groundwater recharge. The riverbottom and bluffs present a substantial safety hazard to urban level development in terms of potential for flooding in the riverbottom, increased fire danger and the potential for erosion and landslides on the bluffs. For a comprehensive background on this subject, please refer to the San Joaquin River Area Reconnaissance Study, authored jointly by the Counties of Madera and Fresno and the City of Fresno in June of 1986.

5.1.2 Goals

It shall be the goal of the City of Fresno to:

1. Minimize the loss of life and property in the riverbottom and bluffs due to flooding and geologic hazards.
2. Provide for substantial public access to the riverbottom and bluff area while minimizing intrusion on existing residences and other activities on private property.
3. Provide for substantial public recreational opportunities in the riverbottom.
4. Preserve the river bluffs as a unique geological feature in the San Joaquin Valley.
5. Allow for the continuance of open space uses in the riverbottom such as mineral extraction, agriculture and golf courses.



6. Preserve the remaining riparian lands in the riverbottom as a unique environmental feature in California.

#### 5.1.3 Policies/Implementation Measures

It shall be the policy of the City of Fresno to:

1. Maintain the multi-use/recreational open space plan designations in the riverbottom.
2. Urge the State Lands Commission to determine the extent of public ownership and public trust interest in the riverbottom.
3. Support the concept of a river parkway system for the riverbottom, in coordination with Fresno County, Madera County, public interest groups, property owners and the State of California.

~~4. Establish a regional parksite in the riverbottom on approximately 400 acres adjacent to the extension of Cornelia Avenue.~~

5. Work towards the establishment of a precise alignment for the San Joaquin Bluffs/River Trail as part of the river parkway concept.
6. Ensure that the bluff vista points designated in this plan, excluding the two vista points already committed through the subdivision process, are developed in accordance with the specific standards set forth in this plan.
7. Maintain and enforce the requirements of the "BP" Bluffs Preservation Overlay District.
8. Allow for the extraction of the sand and gravel resources in the riverbottom, in conformance with the Surface Mining and Reclamation Act and existing conditional use permits.

- ✓ 9. The minimum building setback from the bluff edge for all future residential development located adjacent to the San Joaquin River Bluffs and within the BP-Bluff Preservation Overlay Zone District, shall be thirty (30) feet; provided that a building setback of less than thirty (30) feet may be permitted, if it can be demonstrated to the satisfaction of the Development Department Director that the proposed appearance and placement of the residential unit will meet the objectives of the BP-Bluff Preservation Overlay Zone District, as stated in Section 12-243 of the Fresno Municipal Code. In no case, however, shall the minimum building setback from the bluff edge be less than twenty (20) feet.

(Alternative Staff Recommendation)

RESOLUTION NO. 87-475

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO  
ESTABLISHING A POLICY FOR MINIMUM BUILDING SETBACK  
FOR RESIDENTIAL DEVELOPMENT ADJACENT TO THE SAN  
JOAQUIN RIVER BLUFFS AND LOCATED WITHIN THE SAN  
JOAQUIN BLUFFS ENVIRONS AREA SPECIFIC PLAN AND THE  
BP-BLUFF PRESERVATION OVERLAY ZONE DISTRICT.

WHEREAS, the stated objectives of the San Joaquin Bluffs  
Environs Area Specific Plan are to promote the scenic amenities of  
the San Joaquin Bluffs Environs and to insure the development of an  
urban environment that is complementary to the area's natural  
environment; and

WHEREAS, the Standards of the BP-Bluff Preservation Overlay Zone  
District of Section 12-243 of the Fresno Municipal Code require that  
within the River Bluff Influence Area, an area 300 feet wide  
measured southerly from the toe of the bluff and including the bluff  
face, there shall be special land development standards that will  
preserve the integrity of the natural landscape of the southerly San  
Joaquin River Bluffs; and

WHEREAS, on September 22, 1987, the Council of the City of  
Fresno instructed staff to prepare a policy report proposing a  
minimum building setback requirement from the bluff edge for future  
residential development adjacent to the San Joaquin River Bluffs for  
those areas within the BP-Bluff Preservation Zone District and the  
San Joaquin Bluffs Environs Area Specific Plan; and

WHEREAS, on October 27, 1987, a policy report including  
information on existing development adjacent to the bluffs and a  
recommendation for a building setback for future development was  
presented to the Council of the City of Fresno; and

PASSED \_\_\_\_\_

EFFECTIVE \_\_\_\_\_

MICROFILMED

Reel #294

Date \_\_\_\_\_

OCT 29 1987

87-475



WHEREAS, the Council of the City of Fresno received testimony from proponents and opponents of the proposed bluff edge building setback policy.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Fresno hereby adopts the following policy:

1. The minimum building setback from the bluff edge for all future residential development located adjacent to the San Joaquin River Bluffs and within the San Joaquin Bluffs Environs Area Specific Plan and the BP-Bluff Preservation Overlay Zone District shall be thirty feet; provided that a building setback of less than thirty feet may be permitted if it can be demonstrated to the satisfaction of the Development Director that the proposed appearance and placement of the residential unit will meet the objectives of the BP-Bluff Preservation Overlay Zone District as stated in Section 12-243 of the Fresno Municipal Code. In no case, however, shall the minimum building setback from the bluff edge be less than twenty feet.
2. The decision of the Development Director to permit a building setback of less than thirty feet as provided in paragraph 1 shall be noticed pursuant to subsection 12-401-C-2 (mailing) of the Fresno Municipal Code. Any interested person may appeal the Development Director's decision to the Council as provided in Section 12-401-H of the Fresno Municipal Code.

CLERK'S CERTIFICATE

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, JACQUELINE L. RYLE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 27th day of October, 1987.

JACQUELINE L. RYLE  
City Clerk

BY   
Deputy

GJH:DB:sn  
2356d/312

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

BY:   
DEPUTY

-2-

MICROFILMED

Rec'd 11/29/87 Date 11/29/87

FFR 715 HRA

D. BUILDING HEIGHT. Building heights shall be as required by the underlying district.

E. YARDS.

1. General yard requirements shall be as required by the underlying district.

2. All required yards abutting a street shall be landscaped and maintained by the property owner.

3. All required yards shall comply with the minimum standards of the underlying district.

4. (Reserved).

5. Where the underlying district permits farm animals, the front or side yard abutting a street may be designed with a pasture as permitted by the underlying district.

6. The depth and width of all side and rear yards shall be as required by the underlying district.

7. Exceptions shall be as provided for by the underlying district.

F. SPACE BETWEEN BUILDINGS. Space between buildings shall be as required by the underlying district.

G. LOT COVERAGE. Lot coverage shall be as required by the underlying district.

H. FENCES, HEDGES AND WALLS. Fences, hedges and walls shall be provided as required by the underlying district.

I. OFF-STREET PARKING. Off-street parking shall be as required by the underlying district.

J. ACCESS. Access shall be as required by the underlying district.

K. OUTDOOR ADVERTISING. Outdoor advertising shall be as permitted by the underlying district. (Added Ord. 78-30, § 11, eff. 4-7-78; Am. Ord. 78-190, §§ 3-8, 1-19-79; Am. Ord. 2000-39, § 48, eff. 7-6-00).

**SECTION 12-243. "BP" BLUFF PRESERVATION OVERLAY DISTRICT.**

The "BP" Bluff Preservation District is an overlying zoning district intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area. The regulations of this district are deemed to be necessary for the preservation of the special qualities of the southerly San Joaquin River Bluffs, and for the protection of the health, safety and general welfare of owners and users of property within the River Bluff Influence Area. The "BP" District shall apply to the River Bluff Influence Area, an area 300 feet wide measured southerly from the toe of the bluff. (Added Ord. 80-3, § 5, eff. 2-15-80).

**SECTION 12-243.1. USES PERMITTED.** The following uses shall be permitted in the "BP" District: Those uses permitted by the provisions of the underlying district. (Added Ord. 80-3, § 5, eff. 2-15-80).



**SECTION 12-243.2. USES PROHIBITED.** The following uses are expressly prohibited in the "BP" District:

- A. Those uses expressly prohibited by the underlying district.
- B. Residential recreational uses within one hundred lineal feet of the Plan Line for a scenic or recreational trail on the riverbottom.
- C. Residential and accessory structures between the Bluff Top and the Bluff Edge, except that accessory structures in conjunction with recreational uses subject to the provisions of Section 12-243.5-A(2) shall be permitted. (Added Ord. 80-3, § 5, eff. 2-15-80).

**SECTION 12-243.3. PROPERTY DEVELOPMENT STANDARDS.** The following additional property development standards shall apply to all land and structures in the "BP" District:

- A. **LOT AREA.** Each lot shall have the minimum area required by the underlying district.
- B. **LOT DIMENSIONS.** Each lot shall have the minimum dimensions required by the underlying district.
- C. **POPULATION DENSITY.** Population density shall be as required by the underlying district.
- D. **BUILDING HEIGHT.** Building height shall be as established by the underlying district.
- E. **YARDS.** Yards shall be as required by the underlying district, except that setbacks shall be determined pursuant to subsection M below, in addition to the requirements of the underlying district.
- F. **SPACE BETWEEN BUILDINGS.** Space between buildings shall be as required by the underlying district.
- G. **LOT COVERAGE.** Lot coverage shall be as required by the underlying district.
- H. **FENCES, HEDGES AND WALLS.** Fences, hedges and walls shall be provided as required by the underlying district.
- I. **OFF-STREET PARKING.** Off-street parking shall be provided as required by the underlying district.
- J. **ACCESS.** Access shall be provided as required by the underlying district.
- K. **OUTDOOR ADVERTISING.** Outdoor advertising shall be as permitted by the underlying district, except that it shall be subject to site plan review under Section 12-406. There shall be no blinking, flashing, animated, rotating, or similar outdoor advertising. There shall be no advertising structures within the district.
- L. **LOADING SPACES.** Loading spaces shall be provided as required by the underlying district.

M. GEOLOGIC IMPACT STANDARDS. The following standards shall apply to all property within the "BP" District except the property between Blythe Avenue and the extension of the Nees Avenue alignment, existing as of August 1, 1979, to the Bluff:

1. Before any building or structure, including stairways and pathways, is erected or established upon any property within, or abutting the southerly boundary of, the "BP" District, a Soil Investigation and Evaluation Report to determine geologic impact standards necessary to mitigate geological and soils hazards shall be made and certified by the engineer preparing the report and grading plan, pursuant to the provisions of Section 12-1022(e).

2. The minimum setback from the bluff edge required for the preservation of the existing state of the bluffs shall be established by the engineer in the report. (Added Ord. 80-3, § 5, eff. 2-15-80; Am. Ord. 2000-39, § 49, eff. 7-6-00).

#### SECTION 12-243.4. SITE PLAN REVIEW.

A. Before any building or structure is erected or any grading is commenced on any property in the "BP" District, a site plan shall have been submitted to and approved by the Director, pursuant to the provisions of Section 12-406, the provisions of the "BP" District, and of this section.

B. SITE PLAN PROVISIONS AND CONDITIONS. All of the provisions of and conditions established under Section 12-406 shall apply to this district, except that any such provision or conditions shall be subject to all requirements of and any conflicting or limiting provisions established under the "BP" zone district. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.5. GRADING STANDARDS. No alteration or modification of the existing landscape, including grading or alteration of existing topography, or construction of any structures, shall be permitted on the bluff face or air space above it, except as follows:

A. The following shall be permitted as a matter of right:

1. Automatic irrigation systems, stairways and private pathways, trails for which official plan lines have been adopted, and public utilities;
2. Recreational uses in conjunction with a residence located elsewhere on the same lot;
3. Plantings of drought-resistant plants indigenous to the bluff and other landscaping materials from a list prepared by the Director of Parks and Recreation.

B. Grading of the Bluff Face shall be permitted subject to the following conditions:

1. Grading shall be allowed only in accordance with an approved Site Plan Review.
2. No grading shall have more than a minimal adverse impact, as determined by the Director, upon the aesthetics of the Bluff line as viewed from the river bottom or points of public access.

- C. The requirements of this section shall not apply to property within the "BP" District between Blythe Avenue and the extension of the existing East Nees Avenue alignment, as of August 1, 1979, to the edge of the Bluff. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.6. DRAINAGE AND RUNOFF. All lots within the "BP" District shall be subject to the following requirements regarding drainage and water runoff:

- A. All storm water runoff and other surface drainage shall be discharged in accordance with a storm drainage and grading plan approved by the Director of Public Works and the Director of Planning and Inspection.
- B. No storm water runoff or any other drainage or runoff resulting from development shall be permitted to drain over the Bluff Face.
- C. No swimming pool or decorative pool shall be constructed without approval by the Director of a drainage system for the pool which causes drainage away from the Bluff Face and prevents any drainage over the Bluff.
- D. The requirements of this section shall be inapplicable to irrigation practices for agricultural purposes existing as of August 1, 1979. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.7. BLUFF IMPACT REDUCTION. The following requirements shall apply to all properties located in the "BP" District to minimize the effect of the intrusion of buildings or structures foreign to the character of the river and natural areas adjacent to it:

- A. Streetlights and all exterior lighting shall be directed away from the riverbottom as much as possible.
- B. The design and orientation of structures, walls and fences shall be in keeping with the natural character of the Bluffs.
- C. Construction shall be permitted only on parcels subject to recorded deed restrictions or covenants restricting exterior colors and construction materials to those which are compatible with the natural bluff environment and with surrounding development. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.8. DEVIATION FROM REQUIREMENTS. The Council may deviate from the requirements of the "BP" District in the event special circumstances justify such deviation. A request for a deviation from this policy shall be processed in accordance with the special permit procedures of Sections 12-405 and 12-406 except that notice of the Director's decision shall be made to any person requesting such notice, and appeal of the Director's decision by any such person shall be made directly to the Council. A request for a deviation shall be granted only if it can be demonstrated that such deviation will have no more than a minimal adverse effect upon the safety of the structure, the scenic quality of the bluffs, and adjacent development. In no event will a deviation be allowed beyond that necessary to permit development which is otherwise consistent with the objectives of this plan or with the provision of municipal services to such development. (Added Ord. 80-3, § 5, eff. 2-15-80).  
Supp. No. 2-80(4-4-80)



3. No grading shall be permitted within one hundred lineal feet of the plan line for a scenic or recreation trail on the riverbottom.

4. No grading shall be permitted without prior approval of the Director of a Zone III Soil Study pursuant to the provisions of subsection 12-1022(e).